

Remarks

Reconsideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested. Claims 1, 2, 4-8 and 13-25 will be pending upon entry of this paper. By this Amendment, Applicants have amended Claims 2, 4-8, 13 and 25 and cancelled Claim 3 without prejudice. These amendments have not been necessitated by the need to distinguish the present invention from any prior art and were made solely to more fully claim the invention. It is respectfully submitted that no new matter has been introduced by these amendments, as support therefor is found throughout the specification and drawings.

35 U.S.C. §102

In the Office Action, Claims 13-25 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Pub. No. 2007/0281353 to Vacanti et al. (the Vacanti reference).

The Vacanti reference utilizes a nanoporous membrane, which is discrete from the micromachined channels. The nanoporous membrane separates cells that are introduced into the separate chambers.

In contrast, Claim 13 recites, *inter alia*, a tissue engineered system wherein each layer includes micromachined surface structures integrally including nanotopographic features. Similarly, Claim 25 recites, *inter alia*, a tissue engineered structure including a substrate having micromachined surface structures integrally formed thereon, wherein said micromachined surface structures comprise nanotopographic features. The Vacanti

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reference does not disclose such structures. Accordingly, Claims 13-25 distinguish the subject invention from the Vacanti reference. In view of the above, withdrawal of the rejection is respectfully requested.

35 U.S.C. §112(2)

In the Office Action, Claims 2-8 and 25 were objected to as being indefinite. Claims 2, 4-8 and 25 have been amended to address the indefiniteness concerns and an action acknowledging the same is respectfully requested. Claim 3 was objected to as being of improper independent form. Claim 3 has been cancelled to obviate the rejection and an action acknowledging the same is respectfully requested.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

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Respectfully submitted,

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